

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

[PROPOSED] ORDER

Having considered Plaintiffs' Motion to Preclude Certain Expert Testimony by Dr. Nick Feamster (the "Motion"), it is hereby ORDERED that the Motion is GRANTED. Accordingly, Dr. Nick Feamster is precluded from:

1. Testifying that there is not at least one unique download by MarkMonitor for each of the files that the Cox subscribers at issue were accused of downloading and/or distributing;
2. Testifying that the contents of MarkMonitor's downloads were not matched to the Audible Magic database and identified as the copyrighted works listed in MarkMonitor's records produced in discovery;
3. Testifying against the reliability or accuracy of Audible Magic; and
4. Testifying that proof of infringement (whether reproduction or distribution) requires a contemporaneous download at the time of each infringement notice and/or that the alleged infringer has 100% of the infringing file.

It is so ORDERED this ____ day of _____, _____.

United States District Judge